

DRAFT
OGC:JSWarner:sin
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In your letter you also state; "There has never been a prosecution for violation of §798, transmitting classified information relating to codes and communications intelligence." I am aware of one case, United States v. Petersen, wherein Petersen, an employee of the National Security Agency, was indicted under three counts: (1) 18 U.S.C. 793, (2) 18 U.S.C. 798, and (3) 18 U.S.C. 2071. On 22 December 1954 Petersen entered a plea of guilty to count (2) of the indictment. One of the reasons for my mentioning this is that §798 is considered a tougher statute in that prosecution seems somewhat less difficult than under the other statutes. This undoubtedly was a factor in his attorney, a former NSA employee, urging him to plead under §798 rather than going to trial on all three.